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PTO/SB/30 (09-03)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/744,866
	Filing Date	April 2, 2001
	First Named Inventor	Frank Austrup
	Art Unit	1642
	Examiner Name	Stephen L. Rawlings
	Attorney Docket Number	790076.403USPC

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other _____

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☒ Other Petition for Extension of Time; Fee Transmittal (+copy)

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-1090.

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☒ Check in the amount of \$ 860 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print /Type)	Mae Joanne Rosok	Registration No. (Attorney/Agent)	48,903
Signature	<i>Mae Joanne Rosok</i>	Date	April 12, 2004

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450 Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
Name (Print /Type)	VIA EXPRESS MAIL
Signature	Date

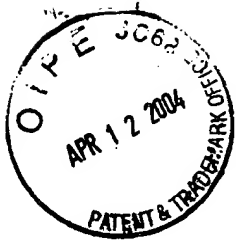
This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Frank Austrup and Michael Giesing
Application No. : 09/744,866
Filed : April 2, 2001
For : CANCER CELLS FROM BODY FLUIDS CONTAINING CELLS,
ISOLATION THEREOF AND AGENTS CONTAINING THE
SAME

Examiner : Stephen L. Rawlings
Art Unit : 1642
Docket No. : 790076.403USPC
Date : April 12, 2004

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE UNDER 37 C.F.R. § 1.114

Commissioner for Patents:

In accordance with 37 C.F.R. § 1.114, please find enclosed a Request for Continued Examination. In response to the Office Action dated June 10, 2003 (Paper No. 14), an Amendment and Response was properly submitted to the U.S. Patent and Trademark Office (hereinafter PTO) on October 3, 2003, and a Notice of Appeal was submitted to the PTO on November 10, 2003; however, Applicants' request for reconsideration was not considered. Applicants respectfully request entry of the Amendment submitted herewith. Please extend the period of time for response three months, to expire on April 12, 2004, in view of the fact that April 10, 2004 falls on a Saturday. Enclosed are a Petition for an Extension of Time and the requisite fee. Please amend the application as follows.

Amendments to the Claims are reflected in the Listing of Claims that begins on page 2 of this paper.

Remarks begin on page 4 of this paper.